

Thirteenth report to the Sixth Senedd under Standing Order 22.9

June 2024



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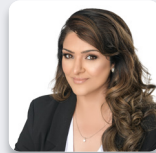
About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddStandards

Current Committee membership:



**Committee Chair:
Vikki Howells MS**
Welsh Labour



Natasha Asghar MS *
Welsh Conservatives



Mark Drakeford MS
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru

* Did not participate in any of the considerations of the complaint.

The following Member attended as a substitute during this inquiry:



Sam Rowlands MS
Welsh Conservatives

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Recommendation

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure , that a breach has been found and the Member be censured under Standing Order 22.10(i)..... Page 9

1. Introduction

1. The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22¹. In accordance with the functions set out in Standing Order 22.2, the Committee must:

“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”²

2. This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd³ (“the Procedure”) in relation to a complaint made against Mick Antoniw MS.

3. The report from the Commissioner for Standards (“the Commissioner”) on his investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Commissioner’s formal investigation.

4. As the Complainant in this matter, Natasha Asghar MS recused herself from consideration of the complaint. Sam Rowlands MS considered the complaint instead as her nominated alternate under Standing Order 22.5. .

5. This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.

6. A copy of this report has been provided to the Member concerned and the Complainant.

¹ Standing Orders

² Standing Order 22.2(i)

³ The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

2. Consideration of the Complaint

7. The Commissioner received a complaint in relation to a tweet posted by Mick Antoniw MS. The tweet stated: “Tories so happy to see people and particularly children killed and injured on our roads. Wholly irresponsible but not surprising.”. The Commissioner considered the tweet to be offensive. The Member acknowledged and accepted this assessment when contacted by the Commissioner.

8. The Complainant considered this tweet was ‘wholly inappropriate,... deeply offensive and completely unnecessary’ and in breach of the Code of Conduct⁴, in particular rules two and three.

9. The Commissioner noted the rules identified by the complainant. In his assessment of the complaint he considered the following rules from the Code of Conduct as the most relevant:

- Rule 1 Members must uphold the Overarching Principles
- Rule 3 Members must not act or behave in a manner that brings the Senedd, or its Members generally, into disrepute.
- Rule 6 Members must not subject anyone to personal attack – in any communication (whether verbal, in writing or any form of electronic or other medium) – in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made.

10. The Committee met on 3 June 2024 to consider the Commissioner’s report and reach its conclusion in respect of this complaint.

⁴ Code of Conduct on the Standards of Conduct of Members of the Senedd

3. Committee's Consideration of its Decision

11. The Committee considered whether the Member was in breach of Standing Order 22.2(i).⁵

12. In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.

13. The Member did not avail himself of the opportunity to make oral representations to the Committee.

The Committee's Decision

14. The Committee noted the finding of the Commissioner that Mick Antoniw MS had accepted that this was a breach of the Code of Conduct.

15. The Committee noted the actions taken by Mick Antoniw MS to rectify the situation which included publicly apologising and deleting the tweet.

16. The Committee noted the Commissioner's remarks about why he considered this could not be dealt with under the rectification procedure. The Committee agreed with the view of the Commissioner that, despite the fact Mick Antoniw MS apologised and deleted the tweet, the misconduct was not a failure of a minor nature and accordingly could not be dealt with under the rectification procedure.

17. The Commissioner sets out in his report that:

"... Offensive comments of that kind about a large section of the electorate are not only offensive but could bring the Senedd into disrepute. In making them the Member, who is a senior politician, set a very poor example, and demonstrated a lack of judgement and leadership..."

18. The Committee agreed with the Commissioner's characterisation of the comments and their ramifications.

19. The Committee noted the amount of time this complaint took to be progressed by the Commissioner's office, and the reasons set out by the Commissioner for the delay. The Committee recognises that this could have potentially caused distress to both the Member concerned and the complainant.

⁵ Standing order 22.2(i)

20. Having considered the Commissioner's findings and conclusions, and the supporting evidence provided, the Committee agreed that a breach of the Code of Conduct as identified by the Commissioner had occurred.

The Committee finds that Mick Antoniw MS breached Rules one, three and six of the Code of Conduct.

Committee's recommendation

21. The Committee considers a breach of the Code of Conduct by any Member of the Senedd to be a serious matter. The reputation of the Senedd as an institution, and the public's trust and confidence in it, rely upon Members demonstrating integrity and leadership through their actions.

22. Social media use has become increasingly prevalent among elected representatives and acts as an important method for communication and debate. However, it also presents challenges for Members, given the nature of interactions and the potential for misuse. Members should make every effort to ensure that they continue to embody the leadership principles whilst using social media.

23. In reaching its decision, the Committee took into account that the Member concerned had apologised and removed the offending tweet. The Committee also considered the content of the tweet and potential impact it may have had on a number of people.

24. The Committee notes that the Member acted promptly, and undertook the necessary steps, to rectify this matter. However, given the pejorative characterisation of a section of the electorate, the Committee agreed this warranted a censure rather than no further action based on the prompt corrective action of the Member.

Recommendation 1. The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found and the Member be censured under Standing Order 22.10(i)

4. Lessons learnt from this complaint

25. The Committee notes the time taken for this complaint to be submitted to the Committee by the Commissioner. This is the first occasion that such a delay has occurred and the Committee notes the provision put in place by the Commissioner's office to ensure that such a delay would not occur again.

26. This is the fourth substantive report this Senedd relating to Social Media. The Committee would like to highlight to Members the importance of treating interactions on social media in accordance with the same principles that would be applied to face to face interaction and remind Members that there is support available to Members in dealing with, and the correct and respectful use of social media.

27. The Committee considers it important that as politicians we recognise the need to embed respect in our interactions to ensure that the wider discourse about politics and politicians reflects this. It is possible to robustly challenge those with opposing views without being offensive, and by doing this Members of the Senedd can set an example of how such conversations and interactions can be improved.

Annex A: Report from the Commissioner for Standards

REPORT

by

SENEDD COMMISSIONER FOR STANDARDS

of the investigation of a complaint against

MICK ANTONIW MS

1. INTRODUCTION

1.1 This is the report of my investigation of a complaint by Natasha Asghar MS (“the Complainant”) against Mick Antoniw MS (“the Member”).

The documents I have relied upon in compiling this report are at the Appendix. Footnote references to them are provided where appropriate.

2. THE INVESTIGATION

2.1 On 18 September 2023 the Complainant submitted her complaint about the conduct of Member.¹ The following day she provided me with supporting evidence.² I copied the complaint and evidence to the Member, informed him that I was undertaking a preliminary investigation to inform my decision on the admissibility of the complaint and allowed him seven days to submit written representations in that regard. On 27 September, in the absence of any representations from the Member, whom it appears had not received my letter of 19 September, I informed the Complainant of my decision that the complaint was admissible and that I had started my formal investigation of it. I also informed the Member and posed a number of questions to him. On 4 October the Member provided written answers to these questions.³ Having considered these answers, I informed both parties that no further investigation was required and that I would draft my report.

2.2 On 6 October I provide both parties with a copy of my draft report and afforded them seven days within which to submit written corrections or representations regarding my findings of fact. The Complainant did not avail of that opportunity. In his response of 10 October, the Member accepted the findings and my opinion. He explained that the reference in his letter of 4 October to ‘Welsh Conservatives’ was intended to be to Welsh Conservative politicians rather than all Welsh Conservatives.⁴

¹ Document 1

² Document 2

³ Document 3

⁴ Document 5

3. FACTS ESTABLISHED

3.1 I was satisfied that the following facts had been established –

- i. On 16 September 2023 the Member posted on his X account *“Tories so happy to see people and particularly children killed and injured on our roads. Wholly irresponsible but not surprising.”*
- ii. The Member has admitted that the post was offensive and breached Rules 1 and 6 of the Code of Conduct.
- iii. When the Member realised that the post was inappropriate, he caused it to be deleted and issued an apology for his conduct.⁵

4. CONSIDERATION

4.1 The Member has admitted that his conduct was a breach of Rule 1 (the Respect and Leadership Principles) and Rule 6 of the Code of Conduct. He has apologised for his error to my satisfaction. He took down the post on and issued an apology through the media.

4.2 In view of the remedial action taken by the Member I considered whether I could recommend to the Committee that the matter be dealt with in accordance with paragraph 7.6 of the Procedure for Dealing with Complaints against Members of the Senedd. I conclude that I could not. That paragraph applies only to breaches of *“a minor nature.”* I did not consider that the Member’s conduct could properly be regarded as a minor failure to comply with the Code of Conduct.

4.3 The Member has told that by his *“usage of the term ‘happy’ I intended to mean the Welsh Conservatives generically (it was not directed at any individual) were content to oppose a policy which had the objective of saving lives. I did not use ‘happy’ in the sense that anyone would be personally take pleasure from seeing children injured or killed on our roads.”* Members must take care in the way they express themselves. I have no doubt that those reading the post would have formed from it the impression

⁵ Document 4

that the Member believed that Conservatives in general were happy to see people and children killed on the roads.

4.4 I agree with the Member that his post was offensive and was a breach of the Integrity and Leadership Principles of Rule 1 and of Rule 6 (Respect) of the Code of Conduct. I note that it was directed at all Conservatives not just Conservative politicians who opposed the change to the default speed limit. Offensive comments of that kind about a large section of the electorate are not only offensive but could bring the Senedd into disrepute. In making them the Member, who is a senior politician, set a very poor example, and demonstrated a lack of judgement and leadership. It follows from his admitted breach of the Integrity Principle that the Member has also breached Rule 3 of the Code (Bringing Senedd into disrepute).

4.5 The post was made when there were ongoing, sometimes intemperate, exchanges between supporters and opponents of the then new default 20mph speed limit on restricted roads. The post was made in response to one by Andrew R T Davies MS which included an image of a newspaper front page in which the speed limit was described as "*insane.*"

4.6 *Whilst* I note the Member's explanation that what he posted was intended to relate to Welsh Conservative politicians, a member of the public reading the post would have no reason to interpret what he said in that limited way. The obvious interpretation of it was that it was about all 'Tories'. It is very likely that any Conservative elector would have found it offensive.

4.7 It is to the Member's credit that as soon as he realised his error, he took steps to mitigate it by having the post deleted and apologising for it. He has also co-operated fully with my consideration of the complaint.

5. OPINION

I am satisfied that the conduct of the Member amounted to a breach of Rules 1, 3 and 6 of the Code of Conduct.

DOUGLAS BAIN CBE TD

Senedd Commissioner for Standards
20 May 2024

Documents relied upon

1. Complaint
2. Supporting evidence
3. Letter Member – Commissioner 4 October 2023
4. Letter Member – Commissioner 6 October 2023
5. Letter Member – Commissioner 10 October 2023